

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
JOHNSTOWN DIVISION

DAROLD PALMORE,

Plaintiff,

vs.

CLARION UNIVERSITY OF  
PENNSYLVANIA, CLARION  
UNIVERSITY POLICE  
DEPARTMENT, KAREN WHITNEY,  
CLARION UNIVERSITY  
PRESIDENT; MATTHEW SHAFFER,  
COORDINATOR OF JUDICIAL  
AFFAIRS AND RESIDENCE LIFE;  
SHANE WHITE, CORPORAL OF  
CLARION UNIVERSITY POICE  
DEPARTMENT; DREW WELSH,  
CLARION COUNTY DISTRICT  
ATTORNEY; AND CLARION  
COUNTY,

Defendants.

Civil Action No.: 3:21-CV-00106-CBB

United States Magistrate Judge  
Christopher B. Brown

**ORDER**  
**ON MOTIONS TO DISMISS ECF Nos. 78 & 80**

AND NOW, this 8th day of July, 2025,

Upon consideration of

- (1) A motion to dismiss Palmore's second amended complaint for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) by the County Defendants ECF No. 78; and
- (2) A motion to dismiss Palmore's second amended complaint for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) by the University Defendants ECF No. 80

IT IS HEREBY ORDERED that said motions are granted in part and denied in part as follows:

The following claims are dismissed with prejudice:

- Fourteenth Amendment due process claim under 42 U.S.C. § 1983 (Count II) against all Defendants;
- Breach of contract claim (Count III) against Defendants Clarion University, President Whitney and Administrator Shaffer;
- Promissory estoppel claim (Count IV) against Defendants Clarion University, President Whitney and Administrator Shaffer;
- Negligence claim (Count V) against Defendants ADA Welsh, Clarion County, Clarion University, University Police, official capacity claims against President Whitney, Administrator Shaffer, Cpl. White;
- Defamation claim (Count VI) against all Defendants;
- Fourth Amendment false arrest / false imprisonment claim under 42 U.S.C. § 1983 (Count VII) against Defendants University Police and Cpl. White; and
- Fourth Amendment malicious prosecution claim under 42 U.S.C. § 1983 (Count VIII) against University Police, official capacity claims against Cpl. White.

The following claims remain:

- A Title IX claim (Count I) against Defendants Clarion University, University Police, President Whitney, Administrator Shaffer and Cpl. White;
- A Fourth Amendment malicious prosecution claim under 42 U.S.C. § 1983 (Count VIII) against Defendants ADA Welsh and Cpl. White; and
- A negligence claim against Defendants President Whitney, Administrator Shaffer and Cpl. White.

All claims against Clarion County are dismissed with prejudice and this Defendant shall be terminated from this action.

IT IS FURTHER ORDERED that remaining Defendants shall file an Answer to the remaining claims by **July 22, 2025**.

BY THE COURT:

s/Christopher B. Brown  
United States Magistrate Judge